

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12192-GAO

JON FIGLIOLINI,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ORDER

November 15, 2004

O'TOOLE, D.J.

Even if the petitioner's motion under 28 U.S.C. § 2255 were to be treated as having been timely filed, the claims which form the basis of the petitioner's motion have already been considered and rejected by the First Circuit on direct appeal and may not be relitigated here. United States v. Michaud, 901 F.2d 5, 6 (1st Cir. 1990); Tracey v. United States, 739 F.2d 679, 682 (1st Cir. 1984), cert denied, 469 U.S. 1109 (1985). There has been adequate review of the petitioner's claims and the ends of justice would not be served by examining their merit again. The petitioner's § 2255 motion to vacate, set aside, or correct his sentence is DENIED.

November 15, 2004
DATE



DISTRICT JUDGE